

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment and)	NOTICE OF AMENDMENT AND
repeal of rules in ARM Title 10,)	REPEAL
chapter 57 pertaining to K-12)	
educator/specialist licensing)	

TO: All Concerned Persons

1. On October 9, 2014, the Board of Public Education published MAR Notice No. 10-57-267 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 2211 of the 2014 Montana Administrative Register, Issue Number 19.

2. The board has amended the following rules as proposed:

ARM	10.57.101	REVIEW OF POLICY
	10.57.107	EMERGENCY AUTHORIZATION OF EMPLOYMENT
	10.57.109	UNUSUAL CASES
	10.57.112	LICENSE OF EXCHANGE TEACHERS
	10.57.201	GENERAL PROVISIONS TO ISSUE LICENSES
	10.57.201A	CRIMINAL HISTORY BACKGROUND CHECK
	10.57.209	EXTENSION OF LICENSES FOR MILITARY SERVICE
	10.57.215	RENEWAL REQUIREMENTS
	10.57.216	APPROVED RENEWAL ACTIVITY
	10.57.217	APPEAL PROCESS FOR RENEWAL ACTIVITY
	10.57.218	RENEWAL UNIT VERIFICATION
	10.57.301	ENDORSEMENT INFORMATION
	10.57.410	CLASS 2 STANDARD TEACHER'S LICENSE
	10.57.411	CLASS 1 PROFESSIONAL TEACHER'S LICENSE
	10.57.413	CLASS 3 ADMINISTRATIVE LICENSE
	10.57.414	CLASS 3 ADMINISTRATIVE LICENSE – SUPERINTENDENT ENDORSEMENT
	10.57.415	CLASS 3 ADMINISTRATIVE LICENSE – ELEMENTARY PRINCIPAL ENDORSEMENT
	10.57.416	CLASS 3 ADMINISTRATIVE LICENSE – SECONDARY PRINCIPAL ENDORSEMENT
	10.57.417	CLASS 3 ADMINISTRATIVE LICENSE – K-12 PRINCIPAL ENDORSEMENT
	10.57.418	CLASS 3 ADMINISTRATIVE LICENSE – SUPERVISOR ENDORSEMENT
	10.57.419	CLASS 3 ADMINISTRATIVE LICENSE – SPECIAL EDUCATION SUPERVISOR ENDORSEMENT
	10.57.424	CLASS 5 PROVISIONAL LICENSE
	10.57.425	CLASS 5 PROVISIONAL LICENSE – ELEMENTARY LEVEL

10.57.426	CLASS 5 PROVISIONAL LICENSE – SECONDARY, K-12, AND P-12 SPECIAL EDUCATION LEVELS
10.57.427	CLASS 5 PROVISIONAL LICENSE – SUPERINTENDENT ENDORSEMENT
10.57.428	CLASS 5 PROVISIONAL LICENSE - ELEMENTARY PRINCIPAL ENDORSEMENT
10.57.430	CLASS 5 PROVISIONAL LICENSE – K-12 PRINCIPAL ENDORSEMENT
10.57.431	CLASS 5 PROVISIONAL LICENSE – SUPERVISOR ENDORSEMENT
10.57.432	CLASS 5 PROVISIONAL LICENSE - SPECIALIST ENDORSEMENT
10.57.433	CLASS 6 SPECIALIST LICENSE
10.57.434	CLASS 6 SPECIALIST LICENSE – SCHOOL PSYCHOLOGIST
10.57.435	CLASS 6 SPECIALIST LICENSE – SCHOOL COUNSELOR
10.57.436	CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST
10.57.437	CLASS 8 DUAL CREDIT POSTSECONDARY FACULTY LICENSE
10.57.438	CLASS 8 DUAL CREDIT POSTSECONDARY FACULTY LICENSE ENDORSEMENTS
10.57.501	SOCIAL WORKERS, NURSES, AND SPEECH AND HEARING THERAPISTS
10.57.601	REQUEST FOR DISCIPLINE AGAINST THE LICENSE OF AN EDUCATOR/SPECIALIST: PRELIMINARY ACTION
10.57.601A	DEFINITION OF "IMMORAL CONDUCT"
10.57.601B	REVIEW
10.57.602	NOTICE OF HEARING
10.57.603	HEARING IN CONTESTED CASES
10.57.604	POST HEARING PROCEDURE
10.57.605	SURRENDER OF AN EDUCATOR/SPECIALIST LICENSE
10.57.606	REPORTING OF THE SURRENDER, DENIAL, REVOCATION, OR SUSPENSION OF A LICENSE
10.57.607	APPEAL FROM DENIAL OF AN EDUCATOR/ SPECIALIST LICENSE
10.57.608	CONSIDERATIONS GOVERNING ACCEPTANCE OF APPEAL IN CASES ARISING UNDER 20-4-104, MCA
10.57.611	SUBSTANTIAL AND MATERIAL NONPERFORMANCE

3. The following rules were amended as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

10.57.102 DEFINITIONS The following definitions apply to this chapter.

(1) through (12) remain as proposed.

(13) "Year of administrative experience" means employment at any level within a state accredited K-12 school system, or in an educational institution specified in 20-9-707, MCA, as a licensed administrator of at least .5 full-time employee (FTE) for at least 1080 hours or 180 school days or a 1.0 FTE for at least 540 hours or 90 school days. Experience gained prior to eligibility for initial licensure is not considered. Experience as a County Superintendent may be considered as "administrative" experience with evidence of the following:

(a) and (b) remain as proposed

(14) "Year of teaching experience" means employment at any level within a state accredited K-12 school system, or in an educational institution specified in 20-9-707, MCA, as licensed instructional staff of at least .5 FTE during a school fiscal year for at least 1080 hours or 180 school days or a 1.0 FTE for at least 540 hours or 90 school days. Experience gained prior to eligibility for initial licensure is not considered.

10.57.412 CLASS 1 AND 2 ENDORSEMENTS (1) through (5) remain as proposed.

(a) completion of an NCATE or CAEP accredited professional educator preparation program at the grade level(s) identified by the program, including supervised teaching experience; and

(b) for those applicants completing ~~programs which are not an accredited professional educator preparation program~~ an educator preparation program at a regionally accredited college or university approved or accredited by a state board of education or a state agency:

(i) through (9) remain as proposed.

10.57.420 CLASS 4 CAREER AND TECHNICAL EDUCATION LICENSE

(1) through (4) remain as proposed.

(a) Class 4A licenses shall be renewable by earning 60 renewal units. Endorsement related to technical studies may be accepted. The first renewal must show evidence of renewal units earned in the following content areas:

(i) ~~principles and/or philosophy of~~ curriculum and instruction in career and technical education; or and

(ii) remains as proposed.

(b) Class 4B or 4C licenses shall be renewable by earning 60 renewal units. The first renewal must show evidence of renewal units earned in the following content areas:

(i) curriculum and instruction in career and technical education; and

(ii) safety and teacher liability.

(c) Other pProfessional development appropriate to renew a Class 4B or 4C license includes the following:

(i) through (viii) remain as proposed.

(5) A lapsed Class 4 license may be reinstated by showing verification of:

~~(a) for Class 4A licenses, 60 renewal units earned during the five-year period preceding the validation date of the new license;~~

~~(b) for Class 4B and 4C licenses, 60 renewal units earned during the five-~~

year period preceding the validation date of the new license in the following areas including renewal units in:

- ~~(i) principles and/or philosophy of career and technical education;~~
- ~~(ii) (a) curriculum and instruction in career and technical education;~~
- ~~(iii) learning styles/teaching styles; including serving students with special needs;~~
- ~~(iv) (b) safety and teacher liability; and~~
- ~~(v) classroom management;~~
- ~~(vi) teaching methods;~~
- ~~(vii) career guidance in career and technical education; or~~
- ~~(viii) (c) endorsement related technical studies or industry validated training; with prior approval.~~

10.57.421 CLASS 4 ENDORSEMENTS (1) and (2) remain as proposed.

(3) To obtain an endorsement on a Class 4 license, an applicant must provide verification of a minimum of 10,000 hours of documented, relevant work experience which may include apprenticeship training, documenting the knowledge and skills required in the specific trade in which they are to teach. Acceptable documentation of relevant work experience is determined by the Superintendent of Public Instruction and may include, but is not limited to:

(a) through (5) remain as proposed.

10.57.429 CLASS 5 PROVISIONAL LICENSE - SECONDARY PRINCIPAL ENDORSEMENT (1) remains as proposed.

(a) a master's degree from an accredited professional educator preparation program ~~and nine graduate semester credits in school administration;~~

(b) through (2) remain as proposed.

4. The board has repealed ARM 10.57.609, Hearing on Appeal as proposed.

5. The following comments were received.

COMMENT 1: The School Administrators of Montana, Montana Quality Education Coalition, MEA-MFT, Certification Standards and Practices Advisory Council (CSPAC), Great Falls Public Schools and four other commenters submitted oral and written comments in support of the proposed changes to the rule.

RESPONSE: The Board of Public Education thanks each of the commenters for their comments and appreciates their support of these rules.

COMMENT 2: Ann Gilkey, Chief Legal Counsel from the Office of Public Instruction, submitted a comment stating there were errors in the draft changes submitted to the board and requested changes as follows:

1. In 10.57.412(5)(a) after "completion of an" insert "NCATE or CAEP."
2. In 10.57.412(5)(b) after "completing" add "an educator preparation program at a regionally accredited college or university approved or accredited by a

state board of education or a state agency" and striking the proposed language "programs which are not an accredited professional educator preparation program. "

The intent was to require verification of content coursework for applicants who have completed programs not accredited by NCATE or CAEP, but are accredited by another state board or state agency. The current proposed language does not make that distinction clear and could open a much wider path to endorsement from non-accredited programs than originally intended.

3. In 10.57.429(1)(a) strike "and nine graduate semester credits in school administration."

The intent is for any Class 5 applicant to have a plan of study with a university or college which assures the OPI that the applicant can meet the requirements for licensure in three years. The other Class 5 principal endorsement rules had this language stricken and it was an oversight to leave the language in this rule.

RESPONSE: The board thanks Ms. Gilkey for her comment, concurs, and has amended the rules accordingly.

COMMENT 3: T.J. Eyer, OPI Division Administrator for the Career, Technology, and Adult Education Division commented that in order to be consistent with renewal requirements for other classes of licensure, he suggested amending ARM 10.57.420 to require first round renewal units in curriculum and instruction and safety for all Class 4 licenses. These courses are the most critical for safe and effective CTAE classrooms.

RESPONSE: The board thanks Mr. Eyer for his comment, concurs, and has amended the rule accordingly.

COMMENT 4: Marco Ferro from MEA-MFT testified in support of the rule changes and requested that the phrase "or in an educational institution specified in MCA 20-9-707" be added to ARM 10.57.102 (13) and (14) so that administrative and teaching experience at the Montana Youth Challenge Academy and Montana Job Corp can be included. The Governor's office, Youth Challenge Academy, and Tammy Lacey, chair of CSPAC, concurred with Mr. Ferro's requested change.

RESPONSE: The board thanks the commenters for their comments, concurs with the suggested changes, and has amended the rules accordingly.

COMMENT 5: Ms. Constance Dratz of Yellowstone Montessori testified in opposition to the rules and requested that the board consider alternative pathways to licensure for early education for existing Montessori preschool teachers who have already had many hours of training through the Montessori program. Several other commenters also had concerns about the pathway to licensure for preschool teachers.

RESPONSE: The board thanks Ms. Dratz and the other commenters who expressed their concerns about licensure issues. The Office of Public Instruction together with the Montana University System through the Chapter 58 educator preparation program stakeholders are working on procedures for pathways to licensure for preschool educators which are intended to include pathways to initial early childhood endorsement based on training and experience.

COMMENT 6: Some commenters expressed concerns about the three year time period in which current preschool teachers would have to obtain licensure.

RESPONSE: The board thanks the commenters for their comments and states that the new licensure requirements will only apply to public preschool teachers. Private preschool teachers will not be affected. The stakeholders who worked on the amendments to the rules believe three years will be adequate; however, the timeline can be reviewed by the board and amended if necessary.

6. The effective date of these rules is July 1, 2015.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Sharon Carroll
Sharon Carroll, Chair
Board of Public Education

Certified to the Secretary of State December 1, 2014.